

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2843

Introduced by Assembly Member Chau

February 19, 2016

An act to amend Section ~~6250~~ 6254.3 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL’S DIGEST

AB 2843, as amended, Chau. ~~Public records.~~ *records: employee contact information.*

Existing law, California Public Records Act, requires that public records are open to inspection, subject to various exceptions. The act excepts from public inspection the home addresses and home telephone numbers of state employees and employees of a school district or county office of education, provided that disclosure can be made in specified instances, including to an employee organization.

This bill would extend the limitation on the disclosure of the personal information of state employees and employees of a school district or county office of education, described above, to personal cellular telephone numbers and personal electronic mail addresses. By increasing the duties of local officials, this bill would impose a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.3 of the Government Code is
2 amended to read:
3 6254.3. (a) ~~The home addresses and addresses, home telephone~~
4 ~~numbers~~ numbers, cellular telephone numbers, and personal
5 electronic mail addresses of state employees and employees of a
6 school district or county office of education shall not be deemed
7 to be public records and shall not be open to public inspection,
8 except that disclosure of that information may be made as follows:
9 (1) To an agent, or a family member of the individual to whom
10 the information pertains.
11 (2) To an officer or employee of another state agency, school
12 district, or county office of education when necessary for the
13 performance of its official duties.
14 (3) To an employee organization pursuant to regulations and
15 decisions of the Public Employment Relations Board, except that
16 the ~~home addresses and addresses, home telephone numbers~~

1 *numbers, cellular telephone numbers, and personal electronic*
 2 *mail addresses* of employees performing law enforcement-related
 3 functions shall not be disclosed.

4 (4) To an agent or employee of a health benefit plan providing
 5 health services or administering claims for health services to state,
 6 school districts, and county office of education employees and
 7 their enrolled dependents, for the purpose of providing the health
 8 services or administering claims for employees and their enrolled
 9 dependents.

10 (b) Upon written request of any employee, a state agency, school
 11 district, or county office of education shall not disclose the
 12 employee's ~~home address or address, home telephone number~~
 13 ~~number, cellular telephone number, or personal electronic mail~~
 14 ~~address~~ pursuant to paragraph (3) of subdivision (a) and an agency
 15 shall remove the employee's ~~home address and address, home~~
 16 ~~telephone number number, cellular telephone number, and~~
 17 ~~personal electronic mail address~~ from any mailing list maintained
 18 by the agency, except if the list is used exclusively by the agency
 19 to contact the employee.

20 *SEC. 2. The Legislature finds and declares that Section 1 of*
 21 *this act, which amends Section 6254.3 of the Government Code,*
 22 *imposes a limitation on the public's right of access to the meetings*
 23 *of public bodies or the writings of public officials and agencies*
 24 *within the meaning of Section 3 of Article I of the California*
 25 *Constitution. Pursuant to that constitutional provision, the*
 26 *Legislature makes the following findings to demonstrate the interest*
 27 *protected by this limitation and the need for protecting that*
 28 *interest:*

29 *In order to protect the privacy and well-being of state and local*
 30 *employees, it is necessary to limit access to their personal and*
 31 *emergency contact information.*

32 *SEC. 3. The Legislature finds and declares that Section 1 of*
 33 *this act, which amends Section 6254.3 of the Government Code,*
 34 *further, within the meaning of paragraph (7) of subdivision (b)*
 35 *of Section 3 of Article I of the California Constitution, the purposes*
 36 *of that constitutional section as it relates to the right of public*
 37 *access to the meetings of local public bodies or the writings of*
 38 *local public officials and local agencies. Pursuant to paragraph*
 39 *(7) of subdivision (b) of Section 3 of Article I of the California*
 40 *Constitution, the Legislature makes the following findings:*

1 *In protecting the privacy and well-being of state and local*
2 *employees, by appropriately limiting general access to their*
3 *personal and emergency contact information, this bill furthers the*
4 *purpose of paragraph (7) of subdivision (b) of Section 3 of Article*
5 *I of the California Constitution.*

6 *SEC. 4. No reimbursement is required by this act pursuant to*
7 *Section 6 of Article XIII B of the California Constitution because*
8 *the only costs that may be incurred by a local agency or school*
9 *district under this act would result from a legislative mandate that*
10 *is within the scope of paragraph (7) of subdivision (b) of Section*
11 *3 of Article I of the California Constitution.*

12 ~~SECTION 1. Section 6250 of the Government Code is amended~~
13 ~~to read:~~

14 ~~6250. In enacting this chapter, the Legislature, mindful of the~~
15 ~~right of individuals to privacy, finds and declares that access to~~
16 ~~information regarding the conduct of the people's business is a~~
17 ~~fundamental and necessary right of every person in this state.~~